

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

RAY ALBERT LEWIS,

Plaintiff,

vs.

SUPERIOR COURT JUDGE MICHAEL
P. PRICE, APPELLATE COURT
COMMISSIONER WILLIAM ELLIS,
SUPREME COURT COMMISSIONER
STEVEN GOFF, STATE SUPREME
COURT JUSTICE GERRY
ALEXANDER, and JOHN AND JANE
DOE,

Defendants.

NO. CV-09-128-CI

ORDER ADOPTING REPORT AND
RECOMMENDATION AND DISMISSING
ACTION

BEFORE THE COURT is Plaintiff's Objection (Ct. Rec. 18) to the Report and Recommendation to Dismiss this action (Ct. Rec. 17). Plaintiff, a prisoner at the Airway Heights Corrections Center, is proceeding *pro se* and *in forma pauperis*; Defendants have not been served. Plaintiff had challenged the state court processes which converted his state petition for writ of habeas corpus to a Personal Restraint Petition and denied review.

After review of the record and being fully advised, **IT IS ORDERED** the Objection is **OVERRULED** and the Report and Recommendation is **ADOPTED IN ITS ENTIRETY. IT IS FURTHER ORDERED** this action is

1 **DISMISSED with prejudice** for failure to state a claim upon which
2 relief may be granted under 28 U.S.C. §§ 1915(e)(2) and 1915A(b)(1).

3 Pursuant to 28 U.S.C. § 1915(g), enacted April 26, 1996, a
4 prisoner who brings three or more civil actions or appeals which are
5 dismissed as frivolous or for failure to state a claim will be
6 precluded from bringing any other civil action or appeal *in forma*
7 *pauperis* "unless the prisoner is under imminent danger of serious
8 physical injury." 28 U.S.C. § 1915(g). **Plaintiff is advised to read**
9 **the new statutory provisions under 28 U.S.C. § 1915. This dismissal**
10 **of Plaintiff's complaint may count as one of the three dismissals**
11 **allowed by 28 U.S.C. § 1915(g) and may adversely affect his ability to**
12 **file future claims.**

13 **IT IS SO ORDERED.** The District Court Executive is directed to
14 enter this Order, forward a copy to Plaintiff at his last known
15 address, enter judgment, and close the file. The District Court
16 Executive is further directed to forward a copy of this Order to the
17 Office of the Attorney General of Washington, Criminal Justice
18 Division.

19 **DATED** this 20th day of August, 2009.

21 ***s/Lonny R. Suko***

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23 LONNY R. SUKO
24 CHIEF UNITED STATES DISTRICT JUDGE